



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25815 of 2022

Ravi

..Petitioner

Vs

1.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

3.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

4.T.Ramu

5.Subramani

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the second respondent to take action to restore the common water channel comprised in S.No.113/1A situated at Lakshmipuram, Ulkadai, Keelaiyur Groupm Ilayangudi Taluk, Sivagangai District by disposing the proceedings pending on his file in Oo.Mu.Aa.1.2464 of 2022, dated 29.6.2022, within the time stipulated by this Court.

For Petitioner :Mr.K.Muthuvai Ilayaraja



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For Respondents: Mr. A. Kannan
1 and 2 Addl. Govt. Pleader

For Respondent-3: Mr. B. Thanga Aravindh
Govt. Advocate (Crl. Side)

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus to direct the second respondent to take action to restore the common water channel comprised in S.No.113/1A situated at Lakshmipuram, Ulkadai, Keelaiyur Groupm Ilayangudi Taluk, Sivagangai District by disposing the proceedings pending on his file in Oo.Mu.Aa. 1.2464 of 2022, dated 29.6.2022, within the time stipulated by this Court.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the Petitioner is that the Petitioner is doing agricultural activities in the prayer mentioned property and the patta for the said land also stands in his name, measuring an extent of 74.50 hectares. The Petitioner and other agriculturists used a water channel situated nearby his land which come across the land belonging to the respondents 4 and 5 and the above channel was commonly used by all of them for agriculture. While so, the respondents 4 and 5 have destroyed the said water channel to prevent the flow of water to other agriculturists.



a criminal case in Crime No187/2022 was registered for the offence punishable under Section 430 of IPC and also based on the proceedings of the second respondent, as stated above. But till date, the second respondent failed to restore the said channel which was destroyed by the respondents 4 and 5. Further, the second respondent has forwarded the above communication to the third respondent Police, for further action. The Petitioner has also submitted a representation on 30.6.2022 in this regard. Since the same was not considered so far, the Petitioner has come forward with this Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the Petitioner's representation will be considered and appropriate orders will be passed within the time limit specified by this Court.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the second respondent to consider the representation, dated 30.6.2022 submitted by the Petitioner to restore the common water channel comprised in S.No.113/1A situated at Lakshmiapuram, Ulkadai, Keelaiyur Groupm Ilayangudi Taluk, Sivagangai District, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of four weeks from the date of receipt of a copy of this order.



6. With the above direction, the Writ Petition stands disposed of. No costs.

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22.11.2022

Index : Yes/No

Internet: Yes/No

vsn

To

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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN

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